

#8



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/518,813
 Applicant : CARTER, ET AL.
 Filed : DECEMBER 22, 2004
 Title : MEDICAL DEVICE TESTING APPARATUS
 Art Unit : TO BE ASSIGNED
 Examiner : TO BE ASSIGNED
 Atty Docket No. : COCH-0132-US1

Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450
 Sir:

RECEIVED
 - 5 JUN 2006
 Legal Staff
 International Division

The below-identified communication(s) is (are) submitted in the above captioned application or proceeding:

- ☒ Patent Fee Transmittal for FY 2006 (1 page w/dup.)
- ☒ Credit Card Payment Form (1 page)
- ☒ Response to Notification of Defective Response (2 pages)
- ☒ Request for Correction of Inventorship under § 1.497 35 U.S.C. (c) (4) (2 pages)
- ☒ Statement from Additional Inventor David J. Bull (1 page)
- ☒ Statement from Cochlear Limited (1 page)
- ☒ Declaration and Power of Attorney (2 pages)
- ☒ Supplemental Application Data Sheet (3 pages)
- ☒ Copy of Notification of Defective Response (2 pages)

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-COCH-0132-US1.**

09/08/2006 SBASHEIR 00000000 10518813

01 FC:1464

130.00 OP

Respectfully submitted,

Adjustment date: 09/08/2006 SBASHEIR
 05/16/2006 GFRY1 00000130 10518813
 01 FC:1617

-130.00 OP

Michael G. Verga
 Registration Number 39,410

JAGTIANI + GUTTAG
 Democracy Square Business Center
 10363-A Democracy Lane
 Fairfax, Virginia 22030
 (703) 591-2664

May 8, 2006



#8

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Application No. : 10/518,813
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Atty Docket No. : COCH-0132-US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

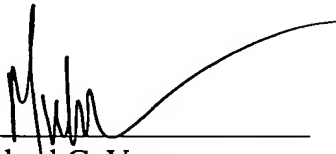
This is in response to the Notification of Defective Response mailed on January 24, 2006, for which the period to respond has been extended until May 24, 2006, by submitting the appropriate fee under 37 CFR 1.136(a).

Please find enclosed a Request for Correction of Inventorship, a statement from the individual who is being added as an inventor; a copy of the Declaration and Power of Attorney executed by both inventors, a statement from Cochlear Limited and a copy of a Supplemental Application Data Sheet.

Application Number: 10/518,813

Please direct any inquiries in connection with this application directly to the undersigned.

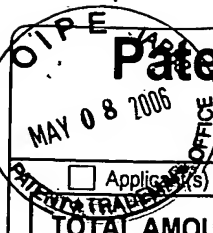
Respectfully submitted,



Michael G. Verga
Registration Number 39,410

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Democracy Square Business Center
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(703) 591-2664

May 8, 2006



Patent Fee Transmittal for FY 2006

☐ Application(s) Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT \$1,150.00

Application No. 10/518,813
Filing Date 24-Dec-06
Named Inventor CARTER, Paul M.
Examiner Name To be assigned
Art Unit To be assigned
Attorney Docket No. COCH-0132-US1

PCT #
#8

FEE CALCULATION

1. Filing Fees		Large Entity		Small Entity			
Application Type		Description	Code	(\$)	Code	(\$)	Paid
Utility	<input type="checkbox"/>	Basic	1011	300	2011	150	\$ -
		Examination	1311	200	2311	100	\$ -
		Search	1111	500	2111	250	\$ -
Design	<input type="checkbox"/>	Basic	1012	200	2012	100	\$ -
		Examination	1312	130	2312	65	\$ -
		Search	1112	100	2112	50	\$ -
Plant	<input type="checkbox"/>	Basic	1013	200	2013	100	\$ -
		Examination	1313	160	2313	80	\$ -
		Search	1113	300	2113	150	\$ -
Reissue	<input type="checkbox"/>	Basic	1014	300	2014	150	\$ -
		Examination	1114	600	2114	300	\$ -
		Search	1314	500	2314	250	\$ -
Provisional	<input type="checkbox"/>	Basic	1005	200	2005	100	\$ -
National Stage	<input type="checkbox"/>	Basic	1631	300	2631	150	\$ -
		Examination	1633	200	2633	100	\$ -
		Search	1632	500	2632	250	\$ -

2. Extra Claim Fee		Large Entity		Small Entity		Paid
		Code (\$)	Code (\$)	Code (\$)	Code (\$)	
a. Claims as Filed						
Total Claims	0 - 20 = 0	1201 50	2201 25	\$ -		
Independent	0 - 3 = 0	1202 200	2202 100	\$ -		
Multiple Dependent		1203 360	2203 180	\$ -		

b. Claims as Amended		Large Entity		Small Entity		Paid
		Code (\$)	Code (\$)	Code (\$)	Code (\$)	
Total Claims	0 - 0 = 0	1201 50	2201 25	\$ -		
Independent	0 - 0 = 0	1202 200	2202 100	\$ -		
First Presentation of Multiple Dependent		1203 360	2203 180	\$ -		

3. Extra Page Fee		Large Entity		Small Entity		Paid
		Code (\$)	Code (\$)	Code (\$)	Code (\$)	
Total Pages	0 - 100 = 0	1081 250	2081 125	\$ -		
Extra Pages	0					
Subtotal for Application Fees						
1	\$ -	2	\$ -	3	\$ -	\$ -

4. Additional Fees		Large Entity		Small Entity		Paid
		Description	Code (\$)	Code (\$)	Code (\$)	
Extension for response first month	1251	120	2251	60	\$ -	
Extension for response second month	1252	450	2252	225	\$ -	
Extension for response third month	1253	1,020	2253	510	\$ 1,020	
Extension for response fourth month	1254	1,590	2254	795	\$ -	
Extension for response fifth month	1255	2,160	2255	1,080	\$ -	
Notice of Appeal	1401	500	2401	250	\$ -	
Filing a Brief in Support of an Appeal	1402	500	2402	250	\$ -	
Request for Oral hearing	1403	1,000	2403	500	\$ -	
Petitions under 1.17(f)	1462	400	1462	400	\$ -	
Petitions under 1.17(g)	1463	200	1463	200	\$ -	
Petitions under 1.17(h)	1464	130	1464	130	\$ -	
Petition - public use proceeding	1451	1,510	1451	1,510	\$ -	
Petition to Revive - Unavoidable	1452	500	2452	250	\$ -	
Petition to Revive - Unintentional	1453	1,500	2453	750	\$ -	
Utility Issue Fee	1501	1,400	2501	700	\$ -	
Design Issue Fee	1502	800	2502	400	\$ -	
Plant Issue Fee	1503	1,100	2503	550	\$ -	
Reissue Issue Fee	1511	1,400	2511	700	\$ -	
Publication Fee	1504	300	1504	300	\$ -	
Statutory Disclaimer	1814	130	2814	65	\$ -	

Description (cont.)		Large Entity		Small Entity		Paid
		Code (\$)	Code (\$)	Code (\$)	Code (\$)	
Recording each Assignment	8021	40	8021	40	\$ -	
Submission of IDS	1806	180	1806	180	\$ -	
Request for Cont. Examination (RCE)	1801	790	2801	395	\$ -	
Filing Submission After Final	1809	790	2809	395	\$ -	
Surcharge - late filing fee or oath	1051	130	2051	65	\$ -	
Surcharge - late provisional fee	1052	50	2052	25	\$ -	
Non-English Specification	1053	130	1053	130	\$ -	
Processing Fee 37 CFR 1.17(q)	1807	50	1807	50	\$ -	
Request for Ex Parte Reexamination	1812	2,520	1812	2,520	\$ -	
Request Pub. of SIR prior to action	1804	920	1804	920	\$ -	
Request Pub. of SIR after action	1805	1,840	1805	1,840	\$ -	
Each Add. Invention Examined	1810	790	2810	395	\$ -	
Expedited Examination (Design)	1802	900	1802	900	\$ -	
Unintentionally Delayed Priority Claim	1453	1,370	1453	1,370	\$ -	
Certificate of Correction	1811	100	1811	100	\$ -	
Maintenance Fees 3.5 years	1551	900	2551	450	\$ -	
Maintenance Fees 7.5 years	1552	2,300	2552	1,150	\$ -	
Maintenance Fees 11.5 years	1553	3,800	2553	1,900	\$ -	
Surcharge - Late Payment 6 mos.	1554	130	2554	65	\$ -	
Other fee					\$ 130.00	

Additional Fee Subtotal 4 \$ 1,150

METHOD OF PAYMENT (Check all that apply)

- ☒ Credit Card (Provide credit card information and authorization on PTO-2038)
☒ Deposit Account No. 10-0233-COCH-0132-US1

For the above-identified deposit account, the Director is hereby authorized to:
☐ To charge the above-identified fee.
☒ To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Submitted by:

Name	Michael G. Verga	Reg. No.	39,410
Firm	Jagtiani + Gutttag		
Address	10363-A Democracy Lane, Fairfax VA 22030		
Telephone	703.591.2664	Fax	703.591.5907

Signature: [Signature] Date: May 8, 2006

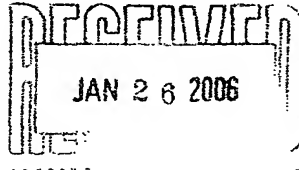


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22303-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/518,813	Paul Michael Carter	COCH-0132-USI
INTERNATIONAL APPLICATION NO.		
PCT/AU03/00827		
I.A. FILING DATE	PRIORITY DATE	
06/27/2003	06/28/2002	

22506
JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX, VA 22030



CONFIRMATION NO. 3627

371 FORMALITIES LETTER



OC00000017898503

Date Mailed: 01/24/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/22/2004
- Copy of the International Search Report filed on 12/22/2004
- Copy of IPE Report filed on 12/22/2004
- Information Disclosure Statements filed on 12/22/2004
- Oath or Declaration filed on 12/27/2005
- U.S. Basic National Fees filed on 12/22/2004
- Priority Documents filed on 12/22/2004
- Specification filed on 12/22/2004
- Claims filed on 12/22/2004
- Abstracts filed on 12/22/2004
- Drawings filed on 12/22/2004

Applicant's response filed 12/27/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/27/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - inventor David John Bull is not listed on publish application or neither on your data sheet filed with 371 requirement filed 12/22/04

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing

Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,813	PCT/AU03/00827	COCH-0132-USI

FORM PCT/DO/EO/916 (371 Formalities Notice)